

Appln No. 09/643,920
Amdt date July 29, 2005
Reply to Office action of June 2, 2005

REMARKS/ARGUMENTS

Claims 1-110 are pending. Claims 57, and 71 are amended.

Claim 71 is objected to because of informalities. In view of the amendment to claim 71, it is respectfully requested that the above objections be withdrawn.

Claims 57-69 are rejected because of being indefinite. In view of the amendment to claim 57, it is respectfully requested that the above rejections be withdrawn.

Claims 1-110 are rejected under 35 U.S.C. § 102(e) as being anticipated by Li (U.S. 6,549,587). Applicants respectfully submit that Li does not constitute a valid 35 U.S.C. § 102(e) reference and therefore all of the pending claims are patentable over the cited references, and reconsideration and allowance of the pending claims are respectfully requested.

35 U.S.C. § 102(e) states in relevant parts: "A person shall be entitled to a patent unless - . . . (e) the invention was describes in . . . (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent" (Underlining added.)

Li is a Continuation-In-Part Application of U.S. Pat. No. 6,882,711. The present application is a Continuation Application of the pending U.S. App. No. 09/522,185 which is also a Continuation-In-Part Application of U.S. Pat. No. 6,882,711.

The present invention is mainly directed to FIGs. 8A to 9 and the related description. FIGs. 8A to 9 are also fully described and enabled in Li, but not claimed. Therefore, the

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constructive date of the present invention (i.e., FIGs. 8A to 9 and the related description) is the filing date of Li, at the latest. Consequently, the cited (102(e)) reference Li was NOT "filed in the United States before the invention by the applicant for patent."

As a result, Li cannot and does not constitute a valid 35 U.S.C. § 102(e) reference.

In view of the foregoing amendments and remarks, it is respectfully submitted that this application is now in condition for allowance, and accordingly, reconsideration and allowance are respectfully requested.

Respectfully submitted,
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